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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
10 TACOMA DIVISION

11 DONALD DEIBERT,

12 Plaintiff,

13 vs.

14 COMMISSIONER OF SOCIAL SECURITY,

15 Defendant.

Civil No. 3:20-cv-05604-BAT

ORDER

16 Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case  
17 be REVERSED and REMANDED for further administrative proceedings pursuant to sentence four  
18 of 42 U.S.C. § 405(g). Upon remand from the court, the Appeals Council will instruct the  
19 Administrative Law Judge (ALJ) as follows. The ALJ will apply the applicable Social Security  
20 Ruling regarding obesity; make a new step-three determination, including whether Plaintiff met or  
21 equaled a listing; reevaluate Plaintiff's symptom testimony; and reevaluate the medical evidence of  
22 record, including the opinions of Brian Lear, M.D., and Alnoor Virji, M.D. The ALJ will reassess  
23 Plaintiff's residual functional capacity; obtain vocational expert evidence as warranted; and issue a  
24 new decision for the relevant period of June 26, 2014, through June 30, 2015.

1 Judgment shall be entered for Plaintiff. Upon proper presentation, the Court will consider  
2 whether reasonable attorney fees, costs, and expenses should be awarded pursuant to the Equal  
3 Access to Justice Act, 28 U.S.C. § 2412(d); 28 U.S.C. § 1920.

4 DATED this 26th day of May, 2021.

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7 BRIAN A. TSUCHIDA  
8 United States Magistrate Judge

9 Presented by:

10 s/ Lisa Goldoftas

LISA GOLDOFTAS

Special Assistant United States Attorney

Office of the General Counsel

Social Security Administration

701 Fifth Avenue, Suite 2900 M/S 221A

Seattle, WA 98104-7075

Telephone: (206) 615-3858

Fax: (206) 615-2531

lisa.goldoftas@ssa.gov